REMARKS

Applicants note that claims 21-24 were cancelled in the REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b) filed February 14, 2001. The response is therefore directed only to the claims currently pending in this case, *i.e.*, claims 1-20.

Restriction Requirement

Applicants hereby elect, with traverse, to prosecute Group II, which includes and is drawn to claims 2-4 and 8-9. The restriction requirement is traversed for at least the following reasons.

Applicants respectfully submit that the examiner would not be subject to any undue burden by considering the pending claims of Groups I, III, IV and XII, because the scope of products recited by those claims are within the scope of the products recited in claim 2.

Thus, a search of the prior art to determine the novelty of the polynucleotide of Group II (claims 2-4, 8 and 9) would substantially overlap with a search of the prior art to determine the novelty of the transgenic organism of Group III (claim 5), given that those organisms comprise a recombinant polynucleotide of claim 3 and are therefore drawn to the same scope of polynucleotides that are recited in claim 2.

Moreover, Applicants submit that a search of the prior art to determine the novelty of the polypeptides and methods of Group I (claims 1 and 6) would substantially overlap with a search regarding the novelty of the invention of Group II (claims 2-4, 8 and 9), given that claim 1 is drawn to a polypeptide encoded by a polynucleotide of claim 2. A prior art search respecting the isolated antibody of Group IV (claim 7) would similarly be essentially congruent with that conducted for Group II (claims 2-4, 8 and 9), as the antibody recited in claim 7 is specific for the polypeptides encoded by the polynucleotides recited in claim 2. Put another way, given the interrelationship of the claimed polynucleotides, polypeptides and antibodies, a thorough search of the prior art to determine the novelty of the polynucleotides would almost certainly reveal references in which two or more of those inventions were disclosed. Hence, the additional burden on the Examiner to examine all of the claims of

Finally, a prior art search concerning the novelty of the composition recited in claim 19, as well as the method of claim 20 employing that composition (*i.e.*, the invention of Group XII) would substantially overlap with the search conducted for Group II (claims 2-4, 8 and 9), given that the activity of the agonist recited in claim 19 would be described in terms of the activity of the polypeptides encoded by the polynucleotides of claim 2.

Applicants further traverse on the grounds that the Examiner could also examine the claims of Groups V-VII without undue burden, in view of the fact that they are related to, although of different scope from, claims already allowed in the ancestor applications. For the Examiner's convenience, those claims are as follows:

U.S. Patent No. 5,817,497:

1. An isolated and purified polynucleotide sequence encoding glutathione S-transferase having the amino acid sequence of SEQ ID NO: 1 or an amino acid sequence that is at least 95% homologous in sequence to the amino acid sequence of SEQ ID NO: 1 and having glutathione S-transferase activity.

2. A hybridization probe comprising the polynucleotide sequence of claim 1.

3. An isolated and purified polynucleotide sequence comprising SEQ ID NO:2.

4. An isolated and purified polynucleotide sequence which is complementary to SEQ ID NO:2.

5. A hybridization probe comprising the polynucleotide sequence of claim 4.

6. An expression vector containing the polynucleotide sequence of claim 1.

7. A host cell containing the vector of claim 6.

8. A method for producing a polypeptide comprising the amino acid sequence of SEQ ID NO:1 the method comprising the steps of:

a) culturing the host cell of claim 7 under conditions suitable for the expression of the polypeptide; and

b) recovering the polypeptide from the host cell culture.

9. A method for detection of polynucleotides encoding glutathione S-transferase in a biological sample, the method comprising the steps of:

a) hybridizing a polynucleotide consisting of SEQ ID NO:2 to nucleic acid material of a

b) detecting the hybridization complex, wherein the presence the hybridization of complex correlates with the presence of a polynucleotide encoding glutathione S-transferase in the biological sample.

10. The method of claim 9 wherein before hybridization, the nucleic acid material of the biological sample is amplified by the polymerase chain reaction.

U.S. Patent No. 5,976,528:

1. A substantially purified glutathione S-transferase comprising the amino acid sequence of SEQ ID NO:1 or enzymatically active fragments thereof.

2. A pharmaceutical composition comprising a substantially purified glutathione S-transferase having an amino acid sequence of SEQ ID NO:1 in conjunction with a suitable pharmaceutical carrier.

3. A method decreasing the risk of chemical carcinogenesis comprising administering to a subject in need of such treatment an effective amount of the pharmaceutical composition of claim 2.

4. A method for removing a chemical toxin from a patient's blood comprising the steps of:

a) subjecting the patients blood plasma to plasmapheresis through a filtration column containing the polypeptide of claim 1; and

b) returning the purified plasma to the patient.

Applicants additionally submit that in any case, minimal additional burden on the Examiner would result from examining the claims of Groups V, VI, and VII, in addition to the claims of Group II, particularly in view of the additional burden on Applicants in filing, prosecuting and maintaining yet additional applications in this family, and respectfully request that the Examiner consider doing so.

Accordingly, because the search required to identify prior art relevant to the claims of Groups I-VII and XII would substantially overlap, Applicants respectfully submit that examination of Groups I-VII and XII would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of Groups I-VII, and XII.

Applicants reserve the right to prosecute the subject matter of non-elected claims, or of any subject matter disclosed but not herein claimed, in a later continuation or divisional application.

Applicants further submit that claims 10-11 (Group V), claim 12 (Group VI), claim 16 (Group

of Group II, which should be examined together with the polynucleotide claims of Group II, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer,* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products.

Similarly, to the extent that the claims of Group I (claims 1 and 6) are examined together with those of Group II (claims 2-4, 8 and 9), the method claims that ultimately depend from those of Group I (*i.e.*, claims 14, 15, 18 and 20) should be rejoined and considered upon a finding of allowable subject matter claimed in claim 1.

It is noted that, while Applicants canceled on February 14, 2001 and did not repeat new versions of claims 21-24, Applicants expressly assert that these claims were canceled for reasons relating to cost and efficiency of prosecution of the presently elected claims, and not for reasons relating to patentability. Applicants further expressly reserve the right to pursue the subject matter of those canceled claims, or any other subject matter disclosed but not herein claimed, in a later continuation or divisional application.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,
INCYTE GENOMICS, INC.

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Susan K. Sather
Reg. No. 44,316
Direct Dial Telephone: (650) 845-4646

3160 Porter Drive